

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Twana Adams, et al.,

NOTICE OF MOTION

Plaintiffs,

08 Cv. 5996 (GEL) (AJP)

-against-

New York State Education Department,

Defendants

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PLEASE TAKE NOTICE that upon the declaration of Assistant Corporation Counsel Blanche Greenfield dated August 14, 2008 and the exhibits annexed thereto, the Department of Education's Memorandum of Law, dated August 14, 2008, and all other pleadings and proceedings herein, the Department of Education will move this Court at the United States Courthouse, for the Southern District Court of New York, located at 500 Pearl Street, New York, NY 10007, at a date and time to be determined by the Court, for an order pursuant to Rule 24 (a)(2), or in the alternative, Rule 24 (b)(1)(B) of the Federal Rules of Civil Procedure to intervene in this action as a defendant with respect to plaintiffs' fourteenth amendment due process claim, and upon the grant of intervention, for an order pursuant to Rule 12 (b)(6) of the Federal Rules of Civil Procedure dismissing plaintiffs' fourteenth amendment due process claim and granting such other relief as to this Court deems proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the schedule set by the Court, opposing papers, if any, must be served on the undersigned by September 5, 2008 and the Department of Education's reply papers, if any, must be served by September 18, 2008.

Dated: New York, New York
 August 14, 2008

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By ecf